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AB 1989 – Community Care Licensing Program Staff Background Checks

Summary:

AB 1989 aligns California’s background check requirements for Children’s Residential Program staff with federal law under the Family First Prevention Services Act (FFPSA) by allowing community-care licensed Children’s Residential programs, such as Short-Term Residential Therapeutic Programs (STRTPs), Transitional Housing Placement Programs (THPPs), Group Homes, and Community Treatment Facilities (CTFs), to provisionally hire qualified candidates who have lived out of state within the past five years while they await results from their out-of-state child abuse and neglect registry check (OSCA).

Under AB 1989, employees may begin work only after clearing all California-required background checks, such as the Department of Justice (DOJ), Federal Bureau of Investigation (FBI), and the California Child Abuse Central Index (CACI), and only with supervised contact with the youth until the OSCA check is returned.

Background:

Currently, California requires completion of the out-of-state child abuse and neglect registry check before an applicant may begin working in a licensed Children’s Residential Program. Because each state maintains its own registry, with no national database, OSCA requests must be sent to individual states, often via physical mail, checks, and require wet signatures. Processing times range widely, with some states taking up to nine months. Delays in OSCA processing force California providers to lose qualified applicants, especially bilingual and culturally-responsive staff, who cannot wait months for approval. Data from the

California Alliance of Child and Family Services show the severe impact of these delays. On average, it takes 6 months for out-of-state applicants to clear their OSCA, with some programs receiving up to 50% of their applications from out-of-state candidates.

Under federal law, states must ensure that fingerprint-based FBI and national criminal database checks are completed, the in-state child abuse and neglect registry check is completed, and the out-of-state registry check is requested, not completed, before a person begins working. Congress designed this framework knowing that interstate registry responses can be slow and inconsistent. California is one of the few states still requiring completion of the OSCA check before hire.

Several states, including Indiana, New York, Texas, Tennessee, and Wisconsin, allow staff to be hired to work in child-caring facilities before the OSCA check is completed. As a result, California’s stricter-than-federal rule exacerbates workforce shortages, restricts access to qualified staff, and reduces placement stability for youth. This contributes to longer waits for appropriate placement, increased denials for high-acuity referrals, and reliance on emergency or short-term alternatives that are not designed to meet therapeutic needs. By modernizing California’s process to reflect federal FFPSA requirements, the state can remove a key hiring barrier and ensure more stable, timely access to the care environments youth deserve.



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Solution:

AB 1989 modernizes California's hiring and background check process by:

- Aligning state requirements with federal FFPSA standards by allowing OSCA results to be pending at hire while still being required as part of the full clearance process
- Allowing provisional hiring of candidates who cleared California's DOJ, FBI, and CACI checks
- Requiring supervised contact with youth until the OSCA clearance is returned
- Reducing delays that disproportionately impact out-of-state, bilingual, or culturally responsive candidate

- Supporting STRTPs, FFAs, THPPs, Group Homes, and CTFs in meeting staffing ratios, maintaining safe operations, and reducing placement disruptions

Support:

California Alliance of Child and Family Services
(Sponsor)

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